



**Northwest Montana Association of
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SENATE NATURAL RESOURCES
EXHIBIT NO. 45
July 7, 2007
BILL NO. SB39

**RESOLUTION
OF
NORTHWEST MONTANA ASSOCIATION OF REALTORS**

**CONCERNING EXTENSION OF THE RESERVED WATER RIGHTS COMPACT
COMMISSION**

WHEREAS, the State of Montana initiated a general adjudication of the water rights in the State of Montana pursuant to the provisions of Chapter 697, Laws of Montana 1979, which includes the reserved water rights of the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation;

WHEREAS, the adjudication of the Confederated Salish and Kootenai Tribes water rights under state law have suspended while negotiations have proceeded to conclude a compact resolving all reserved water rights claims of the Confederated Salish and Kootenai Tribes;

WHEREAS, the Northwest Montana Association of Realtors believes it may be in the best interest of all existing and future water users on the Flathead Indian Reservation and the Flathead River basin that the reserved water rights claims of the Confederated Salish and Kootenai Tribes be settled through a Water Rights Compact;

WHEREAS, the Northwest Montana Association of Realtors supports the quantification of Tribal water rights through a careful and deliberate development of a compact through negotiation rather than through litigation;

WHEREAS, the Northwest Montana Association of Realtors supports the development of a compact that allows for a fair and efficient administration of water rights on the Flathead Indian Reservation;

WHEREAS, the Northwest Montana Association of Realtors believes the Tribes, the State, and the Federal Government have entered into good faith negotiations for the quantification of the reserved water rights of the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation;

WHEREAS, the Northwest Montana Association of Realtors recognizes the complexity of negotiating a compact that comprehensively: (1) quantifies the tribal water rights; (2) provides

for the protection of water rights under state law; and, (3) provides for the administration of water rights within the exterior boundaries of the reservation; and,

WHEREAS, the Northwest Montana Association of Realtors recognizes that public participation in a complex compact negotiation process requires that the public be fully educated as to the proposed terms and conditions of compact prior to expressing any comments or opinions regarding any proposed terms and conditions of the compact.

THEREFORE BE IT RESOLVED, that the Northwest Montana Association of Realtors notify the representatives of the State of Montana Reserved Water Right Compact Commission, the Confederated Salish and Kootenai Tribes, and the Federal Government of its support of the efforts of the parties to conclude a fair and equitable Salish & Kootenai Tribes/Montana Water Right Compact.

BE IT FURTHER RESOLVED that the Northwest Montana Association of Realtors supports the following so that a fair and equitable Salish & Kootenai Tribes/Montana Water Right Compact can be achieved:

- (1) legislation to extend the existence of the Montana Reserved Water Rights Compact Commission beyond June 30, 2009 and shall not exceed beyond June 30, 2011;
- (2) while efforts to develop an administration process move forward, the quantification of tribal reserved water rights and aboriginal rights be the priority in the negotiation process; and,
- (3) offer educational forums to the public prior to formal meetings of the negotiating teams so that the legal and technical staffs of the compacting parties can explain any proposed terms and condition so that effective public participation can be assured.

Signature: Barb Funk
Barb Funk, NMAR President-Elect

Date: 1-7-09